

CF 1002

IN THE HIGH COURT OF CHHATTISGARH
AT BILASPUR.

WRIT PETITION (S) No. 5715 OF 2006

Petitioner

: Smt. Abhilasha Indwar W/o. Sri Rakesh Satish Indwar, aged about 41 years, Occupation Govt. Servant, Upper Division Teacher Govt. Hr.Secondary. School, Bhatapara, R/o. Naya Ganj War, Near Saraswati School, Mandi Road, Bhatapara, District Raipur (C.G.)

P.R. No. 5736/06
Presented by Smt. Urmila Indwar
dated 12.12.06

VERSUS**Respondents**

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- 1) State of C.G. through Secretary Department of School Education, DKS Bhavan, Raipur (C.G.).
- 2) District Education Officer, District Education Office, Raipur
- 3) Block Education Officer, Block Education Office, Bhatapara, District Raipur (C.G.)



WRIT PETITION UNDER ARTICLE 226/227 OF THE
CONSTITUTION OF INDIA FOR ISSUANCE OF
APPROPRIATE WRIT/WRITS, ORDER/ORDERS,
DIRECTION/DIRECTIONS etc.

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HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S.) NO.5715 OF 2006

Petitioner : Smt. Abhilasha Indwar

versus

Respondents : State of C.G. and others

Present : Mrs. Hamida Siddique, counsel for the petitioner.
Mr. Sumeet Verma, Panel Lawyer for the
respondents/State.

ORDER

(Passed on 26th of October, 2006)

By this petition under Articles 226/227 of the Constitution of India, the petitioner seeks a direction to the respondents to pay the increments and seniority on the basis of the date of her initial appointment in the light of the decision rendered by the learned State Administrative Tribunal, Jabalpur in Original Application No.1452 of 1998 (*Harish Chand Singh and others vs. State of M.P. and others*) dated 31-1-2000, Original Application No.802 of 1998 (*Akhilesh Mishra and others vs. State of Madhya Pradesh and others*) and Original Application No.991 of 1998 (*Ramayan Prasad Dwivedi and others vs. State of M.P. and others*).

2. Learned counsel appearing for the petitioner has filed a copy of the order dated 6-4-2005 (Annexure P-6) passed by this Court

in Writ Petition No.1890 of 2003 (*Chhattisgarh Shikochak Sangh (Teachers Association) vs. State of Chhattisgarh and others*) and submits that the petitioner is similarly situated, therefore, she should be given parity.

3. The case of the petitioner is that she was appointed as Teacher in the School Education Department on probation for a period of two years with the fixed salary. However, later on, after completion of two years' probation, the petitioner was regularized, but, she was not given the regular pay-scale. Other similarly situated teachers moved the State Administrative Tribunal, Jabalpur for regular pay-scale, wherein learned Tribunal, vide order dated 31-1-2000, allowed the same. The petitioner made several representations to accord the same treatment as she is also similarly situated teacher, but, the respondents have not paid any heed. Thus, this petition.

4. Learned counsel for the petitioner submits that the petitioner may be allowed to make a representation to respondent No.1 to give similar treatment to the petitioner and the same pay-scale which has been sanctioned to other similarly situated teachers on account of the order of the State Administrative Tribunal dated 31-1-2000, to which learned counsel for the respondents/State has no objection.

5. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, in the opinion of this Court, the limited prayer made by learned counsel for the petitioner appears to be reasonable. Therefore, the petitioner is allowed to make a representation within a period of two weeks from today to respondent

No.1, raising all her grievances and, in turn, respondent No.1 shall decide the said representation in an objective manner within a period of 30 days from the date of receipt of such representation, after considering all the points raised by the petitioner and taking into account the order dated 31-1-2000 passed by the learned State Administrative Tribunal in Original Application No.1452 of 1998, and if the petitioner stands on the same footings, as the petitioners in the Original Application No.1452 of 1998, then she be also sanctioned the same pay-scale and seniority.

6. The writ petition is accordingly disposed of with the aforesaid direction. No order as to costs.

Certified copy as per rules.

Sd/-
Satish K. Agnihotri
Judge